



Florida House of Representatives

Marco Rubio, Speaker
Office of the General Counsel

Jeremiah M. Hawkes
General Counsel

Nicole D. Quinn
Deputy General Counsel

FORMAL OPINION 07-03

To: Representative Clay Ford, District 3
From: Nicole D. Quinn, Deputy General Counsel
Date: August 7, 2007
Re: Lobbying Expenditure Prohibition

A handwritten signature in dark ink, appearing to be "NDQ", is written over the "From:" line.

On August 2, 2007, you submitted a written request to this office for a Formal Opinion concerning whether it would violate §11.045, Florida Statutes, for your wife and you to attend the Florida League of Cities ("FLC") annual luncheon and dinner recognizing your past service as President of the FLC when the FLC, a registered lobbying principal, would be paying for your wife's and your drinks and meals at the event.

Your question is answered in the negative.

BACKGROUND

As you stated in your August 2, 2007 letter, prior to being elected to the Florida House of Representatives, District 3, you served as an elected City Council Member and Mayor Pro Tem for the City of Gulf Breeze for more than 16 years. During that time, you were elected to, and served for one year as, the unpaid President of the FLC.

For at least 20 years, the FLC has hosted an annual luncheon and dinner honoring all past FLC State Presidents and their wives. At this event, the FLC typically hosts approximately 40-50 past State Presidents regardless of their current elected status (i.e., state, county, or local official or private citizen). Moreover, the purpose of the event is to honor past Presidents' service to the FLC, not to engage in FLC official business or lobbying activities.

As set forth above, the FLC is a registered lobbying principal, which hires lobbyists that lobby the Legislature.

ANALYSIS

In December 2005, the Legislature passed and Governor Bush signed Senate Bill 6,¹ entitled "An Act Relating to Political Activities." Senate Bill 6 amended, among other things, §11.045, Florida Statutes, to provide the following:

(4)(a) Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no member or employee of the Legislature shall knowingly accept, directly or indirectly, any expenditure, except floral arrangements or other celebratory items given to legislators and displayed in chambers the opening day of a regular session.

After Senate Bill 6 became law, the House developed guidelines governing the lobbying expenditure prohibition, which have been adopted in the House Policies and Procedures Manual.

Specifically, Policy 1.55 of the House Policies and Procedures Manual provides for certain exceptions to the lobbying expenditure prohibition. One such exception is "Employment-related compensation and benefits," which provides the following:

- *Employment-related compensation and benefits.* Subject to the provisions of Policy 2.23, salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient's employment, business, or service as an officer or director of a corporation or organization are not prohibited expenditures so long as they are given in an amount commensurate with other similarly situated employees, officers, or directors.

As set forth above, you have indicated that your invitation to be honored at this event is directly related to your past position as President of the FLC and that all past Presidents are invited to attend, and receive identical treatment at, the event regardless of whether they are currently an elected official or a private citizen. Moreover, the FLC has hosted this event for more than 20 years, thus it was clearly not designed to circumvent Senate Bill 6 and the lobbying expenditure prohibition. Finally, although you are no longer a member of the FLC, this office has interpreted the Employment-related Compensation and Benefits provision of Policy 1.55 to apply to former officers or directors of an organization so long as all other past officers or directors of the organization are treated similarly.

CONCLUSION

In conclusion, you would not violate §11.045, Florida Statutes, or Policy 1.55 of the

¹ 2005-359, Laws of Florida.

House Policies and Procedures Manual if your wife and you attend the Florida League of Cities luncheon and dinner honoring you for your past service as President of the FLC at the expense of the FLC.

This opinion is prepared in accordance with House Rule 15.8. Pursuant to that rule this opinion could be subject to revision.

cc: Office of the Speaker
Rules & Calendar Council
Committee on Ethics & Elections
Commission on Ethics
Steven Kahn, Senate Counsel
Office of the Clerk
Majority Office
Minority Office